

numerous protective measures in addition to these activities. These measures address the health and safety risks of importing foreign drugs.

Most importantly, it requires the Secretary of Health and Human Services to certify that the imported drugs do not pose any additional risk to the public's health and safety and create savings for American consumers.

With recent increased awareness of potentially dangerous food and drug products, it is more important than ever to protect American consumers.

This amendment ensures that consumers are protected from the risk of unsafe drugs. And it ensures Americans have access to consistent, reliable medicines.

THE PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

The Senator from North Dakota?

Mr. DORGAN. Madam President, we have all seen this movie before. We have had these votes before. All I say is this: The pharmaceutical industry flexes its muscles and defeats an attempt for fair prescription drug prices for the American people so we can keep paying the highest prices in the world. And then there is another amendment offered that makes it seem like something is being done when, in fact, nothing is going to be done, nothing will change.

Do not vote for this amendment and go home and say you have done something about the price of prescription drugs because your constituents will know better. This amendment does nothing. If you believe, at the end of the evening, we should do nothing, by all means vote for it. Don't count me in on that vote.

Mr. HARKIN. I ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

THE PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—56

Akaka	Casey	Kaufman
Alexander	Chambliss	Kerry
Barrasso	Cochran	Kirk
Baucus	Cornyn	Landrieu
Bayh	Crapo	Lautenberg
Bennett	Dodd	LeMieux
Bond	Durbin	Lieberman
Boxer	Ensign	Lincoln
Brownback	Enzi	Lugar
Bunning	Gillibrand	Menendez
Burr	Hagan	Mikulski
Burris	Hutchison	Murkowski
Cantwell	Inhofe	Murray
Cardin	Isakson	Nelson (NE)
Carper	Johnson	Reed

Reid
Risch
Roberts
Rockefeller

Schumer
Shelby
Specter
Tester

Udall (CO)
Voinovich
Warner

NAYS—43

Begich
Bennet
Bingaman
Brown
Coburn
Collins
Conrad
Corker
DeMint
Dorgan
Feingold
Feinstein
Franken
Graham
Grassley

Gregg
Harkin
Hatch
Inouye
Johanns
Klobuchar
Kohl
Kyl
Leahy
Levin
McCain
McCaskill
McConnell
Merkley
Nelson (FL)

Pryor
Sanders
Sessions
Shaheen
Snowe
Stabenow
Thune
Udall (NM)
Vitter
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—1

Byrd

THE PRESIDING OFFICER. On this vote the yeas are 56, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Texas.

MOTION TO COMMIT

Mrs. HUTCHISON. Mr. President I have a motion at the desk, and I ask that it be brought forward.

THE PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] moves to commit the bill H.R. 3590 to the Committee on Finance with instructions to report the same back to the Senate with changes to align the effective dates of all taxes, fees, and tax increases levied by such bill so that no such tax, fee, or increase take effect until such time as the major insurance coverage provisions of the bill, including the insurance exchanges, have begun. The Committee is further instructed to maintain the deficit neutrality of the bill over the 10-year budget window.

Mrs. HUTCHISON. Mr. President, this is a motion that Senator THUNE and I are putting forward. It is a very simple motion. A lot of people don't realize that the taxes in the bill we are discussing actually start in about 3 weeks. They start in January of 2010. The effect of the bill, whatever the proposals are going to be in the bill, whatever programs are available, will not come into play until 2014. The taxes will start this next year, and they will be paid for 4 years before any of the programs the bill is supposed to put forward will be there. The motion Senator THUNE and I put forward merely says that taxes start being collected when the bill is implemented. So whatever programs are being offered to the people, whatever insurance programs, whatever kinds of benefits there might be in the bill would start at the same time as the taxes start. So you are not going to be paying taxes before you have any options that you would be able to take in this bill.

It is simple. It is clear. We believe that if you pay taxes for 4 years before you see any of the programs in this bill, the American people can't be sure there will ever be a program, because there will be intervening Congresses and intervening Presidential elections that will occur before this bill is de-

signed to start in 2014. We have congressional elections in 2010. We have a Presidential election plus congressional elections in 2012. And 2 years following that, 2014, is when this bill will be implemented.

I hope everyone will look at this motion and support the amendment we are putting forward. It is a motion to commit the bill to fix this issue, that America should not be looking at higher drug prices, higher medical device prices, and higher costs of insurance, all of which are the first taxes that will take effect.

Let's walk through it. Starting next year in January, 3 weeks from today, there will be \$22 billion in taxes on prescription drug manufacturers that will start. The price of prescription drugs, aspirin, anything that people take will go up because the drug manufacturers are going to start paying a tax. There is \$19 billion in taxes on medical device manufacturers. So medical devices we use, hearing aids, things we use to treat ailments will be taxed to the tune of \$19 billion next January. There is \$60 billion on insurance companies starting next month. That is about \$100 billion in taxes that start in about 3 weeks. So the insurance companies have probably already priced in the negotiations that they are having now with people about their insurance premiums. I am sure they realize that they are going to have to be locked in for a year or two or three and, therefore, these rises in insurance premiums are probably part of this bill we are dealing with right now. And \$60 billion will be passed on to every person who has health care coverage right now.

Here we are, health care reform that is supposed to bring down the price of health care so that more people can afford it. And what is the first thing we do? It is not to offer a plan. It is not to offer any kind of program that would help people who are struggling right now because they don't have insurance. It is certainly not going to help people struggling to pay their prescription drug prices. We are going to raise the price by taxing the manufacturers of drugs, of medical devices, and the companies that are giving insurance today.

It is time that we talk about the high taxes in this bill. What we are going to talk about in the Hutchison-Thune proposal, the motion to commit, is to say at the very least, the least we can do is not ask people to pay taxes for 4 years when you are going to have three intervening congressional elections before this bill takes effect. Things could change mightily. All these taxes that are going to go into place might never bring forward the proposals that are in the underlying bill.

In 2013, 1 year before the bill is to take effect, the taxes on high benefit plans go into effect. What is a high benefit plan? A high benefit plan is one that is a good plan. Many unions have these, and many people who work for